

7A Am. Jur. 2d Automobiles § 10

American Jurisprudence, Second Edition | May 2021 Update

Automobiles and Highway Traffic

Barbara J. Van Arsdale, J.D.; Keith A. Braswell, J.D., of the staff of the National Legal Research Group, Inc.; George Blum, J.D.; John Bourdeau, J.D.; Paul M. Coltoff, J.D.; John A. Gebauer, J.D.; Noah J. Gordon, J.D.; Mary Babb Morris, J.D., of the staff of the National Legal Research Group, Inc.; Karl Oakes, J.D.; and Eric C. Surette, J.D.

I. In General

B. Rights to Use Highways

§ 10. Rights to use highways, generally

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  [4](#)

Ordinarily, every traveler has an equal right in the highway, and every part thereof, with every other traveler.¹ The right to use public highways rests with the whole people of the state,² and the public is entitled to the full and free use of all the territory embraced within a public roadway.³ Hence, a traveler, as such, may occupy and use any part of the public highway he or she desires, when not needed by another whose rights thereto are superior to his or her own.⁴

A person's right and liberty to use a highway is not absolute; it may be regulated in the public interest through reasonable and reasonably executed regulations.⁵

© 2021 Thomson Reuters. 33-34B © 2021 Thomson Reuters/RIA. No Claim to Orig. U.S. Govt. Works. All rights reserved.

Footnotes

- ¹ [Grommet v. St. Louis County](#), 680 S.W.2d 246, 22 Ed. Law Rep. 578 (Mo. Ct. App. E.D. 1984); [Work v. Philadelphia Supply Co.](#), 95 N.J.L. 193, 112 A. 185 (N.J. Ct. Err. & App. 1920).
- ² [New York State Public Employees Federation, AFL-CIO v. City of Albany](#), 269 A.D.2d 707, 703 N.Y.S.2d 573 (3d Dep't 2000).
- ³ [Grommet v. St. Louis County](#), 680 S.W.2d 246, 22 Ed. Law Rep. 578 (Mo. Ct. App. E.D. 1984).
- ⁴ [Hatzakorjian v. Rucker-Fuller Desk Co.](#), 197 Cal. 82, 239 P. 709, 41 A.L.R. 1027 (1925); [Jeffords v. Florence County](#), 165 S.C. 15, 162 S.E. 574, 81 A.L.R. 313 (1932).
As to use of way, generally, see [Am. Jur. 2d, Highways, Streets, and Bridges §§ 227 to 334](#).
- ⁵ [Chandler v. Secretary of Florida Dept. of Transp.](#), 695 F.3d 1194 (11th Cir. 2012) (applying Florida law).

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.